

MAY 05 2006

Docket No.: FORFLOW.1CP6C1

May 5, 2006

App. No.: 10/729,026

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Please Direct All Correspondence to Customer Number 20995

## TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

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|-----------|---|
| Applicant | : Bolling, Steven F. et al.   |
| App. No   | : 10/729,026  |
| Filed     | : December 5, 2003  |
| For       | : IMPLANTABLE HEART ASSIST<br>SYSTEM AND METHOD OF<br>APPLYING SAME |
| Examiner  | : Layno, Carl H.  |
| Art Unit  | : 3766  |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Disclaimer by Assignee*

Assignee, Orqis Medical Corporation ("Assignee"), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,889,082, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 6,889,082 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,889,082, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

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***Right of Assignee and Ownership***

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that: (1) it is the owner of a 100 percent interest in the above-identified application by virtue of an assignment recorded at Reel No. 010469, Frame No. 0246 and a name change document recorded at Reel No. 011644, Frame No. 0790; and (2) that it is the owner of a 100 percent interest in Patent No. 6,889,082 by virtue of an assignment recorded at Reel No. 013474, Frame No. 0757 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

***Empowerment of Attorney***

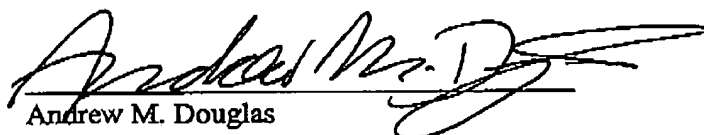
Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: May 5, 2006



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